

Stokes, to cast their votes in the Legislature of Texas for Joseph W. Bailey for such position and use all honorable means to secure his election. Respectfully,

Z. D. DRISKILL,
L. W. DRISKILL,
M. D. DRISKILL,
ROBERT TITTLE,
J. W. VINEYARD,
J. B. CUNNINGHAM,
A. M. DRISKILL.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Thursday, Jan. 10, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor Geo. D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Prayer by Chaplain.

"Our Heavenly Father, we bless Thee for Thy continued goodness to us. Thy care for us has been so tender and loving, we know not how to praise Thee as we ought. We know Thou art always ready to bestow upon us the grace and help necessary for the labors we are called upon to perform. Oh, grant us this morning the strength and consolation of the Holy Spirit to guide us in the duties of this, and help us to seek to honor Thee in all things. Bless with the forgiveness of our sins. Bless the unfortunates of our country, that peace and happiness may reign everywhere, and finally bring in great peace to Thyself, through Jesus Christ our Lord. Amen!"

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth the same was dispensed with.

COMMITTEE REPORTS.

Here Senator Green, acting for the committee to notify the Governor that the

Senate was organized, reported that the committee had performed the duties assigned it, and it was discharged.

A committee from the House of Representatives here appeared at the bar of the Senate and announced that that body was duly organized and ready for business.

Senator Murray here reported that the committee appointed to notify the House of Representatives that the Senate was organized and ready for business had completed its duties.

BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act appropriating \$110,000, or so much thereof as necessary, to pay mileage and per diem of members and per diem of officers and employees of the Thirtieth Legislature, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act appropriating \$20,000 to pay the contingent expenses of the Thirtieth Legislature, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Hudspeth:

Senate bill No. 3, A bill to be entitled "An Act for the protection of stock-raisers, farmers, horticulturists, providing for the destruction of wolves and other wild animals; to make an appropriation therefor, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Stock and Stockraising.

By Senator Hudspeth:

Senate bill No. 4, A bill to be entitled "An Act to amend Articles 4558 and 4559 of Chapter 21, Title XCIV, of the Revised Statutes of the State of Texas of 1895, relating to the forfeiture of the charters of railway companies for failure to construct; repealing Article 4366 of Chapter 2 of Title XCIV, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Mayfield:

Senate bill No. 5, A bill to be entitled "An Act prohibiting legislative counsel, agents or representatives from attempting to influence members of the Legislature otherwise than by appearing before

the committees thereof, or by newspaper publications, public addresses, written or printed statements of briefs filed with the Secretary of State; requiring all such agents, representatives or counsel to register as such, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Kellie:

Senate bill No. 6, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, and the railroads and all other properties of the Gulf & Interstate Railway Company of Texas now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company and as part of its own lines, and to extend the said railroads and to construct branches therefrom, by amendments to its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties to sell the same, or any part thereof, to the Gulf, Colorado & Santa Fe Railway Company, and until such purchases are made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of the said other companies, or either of them, and to authorize the Gulf, Colorado & Santa Fe Railway Company, until acquired by it, or canceled, as provided herein, or by existing acts, to guarantee the payment of the bonds heretofore or hereafter issued, and the interest thereon of the Texas & Gulf Railway, the Gulf, Beaumont & Great Northern Railway Company, the Gulf, Beaumont & Kansas City Railway Company and the Gulf & Interstate Railway Company of Texas."

Read first time, and referred to Committee on Internal Improvements.

By Senator Veale:

Senate bill No. 7, A bill to be entitled "An Act authorizing the Southern Kansas Railway Company of Texas to take up and abandon that part of its track and road extending from Washburn to Panhandle, and in lieu thereof locate, construct, maintain and operate its road on a line extending direct from Panhandle to Amarillo."

Read first time, and referred to Committee on Internal Improvements.

By Senator Looney:

Senate bill No. 8, A bill to be entitled "An Act to prohibit railway companies, street railway companies, interurban railway companies or any other chartered common carrier or transportation companies, or express or sleeping car companies, or the receivers or lessors thereof, or their officers, agents or servants in this State from carrying persons free of charge, or carrying property free of charge, or giving to or for any person or passenger a free pass or authority to travel or pass free, or to have property transported free over any line or lines owned, operated or controlled by any such company in this State, and naming certain persons who are excepted from the prohibition; also prohibiting any of said companies, their officers, agents, employes, receivers or lessees from discriminating among persons in rates and service; prohibiting any person not excepted from using or enjoying such free pass or free transportation, or from becoming the beneficiary of any discrimination and prescribing suitable penalties, fines and imprisonment for the violation of the provisions of this act; providing for prosecutions, fixing venue of suits and appropriating any penalties that may be collected hereunder."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 9, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or about to fail to construct their roads and branches or any part thereof within the time required by law."

Read first time, and referred to Committee on Internal Improvements.

By Senator Looney:

Senate bill No. 10, A bill to be entitled "An Act on the subject of private corporations, defining and prohibiting insolvent corporations, domestic and foreign, from doing business in this State; providing for quo warranto or other appropriate judicial proceedings to have the charter or permit of such insolvent corporations forfeited or canceled, as the case may be, and also providing for the cancellation of all stock and bonds issued by any corporation for purposes other than for money paid to, labor done for or property received by said corporations."

Read first time, and referred to Committee on Internal Improvements.

By Senator Brachfield:

Senate bill No. 11, A bill to be entitled "An Act to amend Article 2639 and 2640 of the Revised Statutes of Texas of 1895, relating to the investment and loaning by a guardian of money belonging to his ward."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Stone:

Senate bill No. 12, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, of the Revised Civil Statutes of the State of Texas by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns, and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Smith:

Senate bill No. 13, A bill to be entitled "An Act regulating the granting of divorce by annulling marriage, dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits; prescribing penalties for the violation thereof, and with an emergency clause."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Smith:

Senate bill No. 14, A bill to be entitled "An Act to amend Title VIII, Chapter 1, Articles 596 and 598 of the Code of Criminal Procedure of the State of Texas, relating to the mode of trial of the defendant in all prosecutions for felonies, with an emergency clause."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Looney:

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions on their powers and the powers of their officers, directors and agents; prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also

prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers; providing suitable forfeiture penalties, fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title XXI of the Revised Statutes of this State."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Looney:

Senate Bill No. 16, A bill to be entitled "An Act making it an offense punishable by fine and removal from office, for any executive, legislative or judicial officer of this State, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, any clerkship, office, position, employment or duty in any department of the Government of which such executive, legislative or judicial officer may be a member; or any person so related to any other such officer, in consideration of the appointment or vote for the appointment by such officer of any person so related to the officer making or voting for such appointment, prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal from office for the violation of this act and fixing venue."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stone:

Senate Bill No. 17, "An Act to amend Article 4507, of Title XCIV, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Griggs:

Senate Bill No. 18, A bill to be entitled "An Act to provide for acquiring by purchase or condemnation about fourteen acres of land, being a part of and adjoining the San Jacinto battle ground, and fronting upon the navigable waters of Buffalo Bayou, or San Jacinto Bay, and providing for fencing and beautifying and improving the lands of the San Jacinto battlefield now owned or hereafter acquired by the State of Texas, the same to be designated by name as 'San Jacinto State Park'; making an appropriation therefor, and declaring an emergency."

Read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Looney:

Senate Bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction, to enforce the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling organizations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any defendant in such action who fails to comply with the provisions of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Brachfield, by request:

Senate Bill No. 20, A bill to be entitled "An Act to reorganize the Second Judicial District and to create a new District No. 67, and to fix the time for the holding of the courts therein, and for the appointment of a judge and district attorney for the Sixty-seventh Judicial District so created."

Read first time and referred to Committee on Judicial Districts.

By Senator Stone:

Senate Bill No. 21, A bill to be entitled "An Act to amend Article 1442, of Title XXX, Chapter 20, of the Revised Civil Statutes of Texas, pertaining to giving security for costs."

Read first time and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate Bill No. 22, A bill to be entitled "An Act on the subject of insurance, providing the amount due in case of partial loss on real estate; also for the collection of reasonable attorney's fees by the insured on any loss in addition to the amount thereof on failure of the insurer to settle according to contract, providing for tender by the insurer and defining the same; providing what shall be a compliance with the 'iron safe' clause, and declaring the statements thereof representations only; and repealing all laws or parts of laws in conflict herewith."

Read first time and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate Bill No. 23, A bill to be entitled "An Act relating to liability of common carriers to their employes, or in case of death to the husband, wife, children and parents of such employe."

Read first time and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate Bill No. 24, A bill to be entitled "An Act to define and prohibit lobbying and to prescribe suitable fines and imprisonment for the violation thereof."

Read first time and referred to Judiciary Committee No. 2.

By Senator Alexander:

Senate Bill No. 25, A bill to be entitled "An Act declaring void sales of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's business, and sales of entire stock of merchandise in bulk, unless made in compliance with certain named conditions, and prescribing such conditions and regulations according to which such sales may be made valid."

Read first time and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate Bill No. 26, A bill to be entitled "An Act to repeal Chapter 12, of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act; to create a Board of Medical Examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice."

Read first time and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate Bill No. 27, A bill to be entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, the same being an act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary Committee No. 2.

By Senator Chambers:

Senate Bill No. 28, A bill to be entitled "An Act to prevent any person, or association of persons, firms or corporations from charging a higher rate of interest than 10 per cent, and providing a penalty therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Glasscock:

Senate Joint Resolution No. 1, To amend Section 51 of Article 3 of the State Constitution, as adopted November 8, 1904, relating to granting aid and pension to Confederate soldiers and to the establishment and maintenance of a home for said soldiers and sailors.

Read and referred to Committee on Constitutional Amendments.

By Senator Stone:

Senate Joint Resolution No. 2, To amend the Constitution of the State of Texas, fixing the term of office for all State, district, county, precinct and all other officers from four to eight years, making all officers ineligible to succeed themselves, except judges of the Supreme Court, Court of Criminal and Civil Appeals, the Senators and Representatives of the Legislature.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Brachfield:

Senate Concurrent Resolution No. 3, Be it resolved by the Legislature of the State of Texas:

Section 1. That the Sergeant-at-Arms be required to furnish each department of the State government with copies of the Journal of each daily session of the Legislature, and copies of each printed bill.

Read first time and referred to Committee on Contingent Expenses.

SIMPLE RESOLUTIONS.

By Senator Glasscock:

Whereas, It is of great importance to the future legislator and student of the history of Texas that a full and accurate record of the proceedings of this Legislature be preserved; and

Whereas, At the present time no provision is made for the preservation of certain legislative publications; therefore, be it

Resolved by the Senates, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to deposit in the State Library, immediately upon their receipt from the public printer, five copies of every bill, resolution, report, daily record or other publication, ordered to be printed by the authority and for the use of this House.

Read and referred to the Committee on State Affairs.

By Senator Senter:

Resolved, That every bill introduced in this body shall be accompanied with a brief and succinct statement of its

meaning and intent, signed by the member by whom it shall be introduced, which statement when not exceeding three hundred words shall be printed in full in the Journal.

Read and referred to Committee on Rules.

By Senator Meachum:

Whereas, There are certain reports of various departments of the State government, Revised Statutes of the General Laws of the State and reports of the various State institutions which should be at the disposal of the Senate for use by the Senators; therefore, be it

Resolved, That the various heads of departments of the State and the Secretary of State be requested to deliver to the Sergeant-at-Arms of the Senate the above named reports, statutes, etc., may be in their possession, respectively, for use by the Senate.

The resolution was read and adopted.

By Senator Paulus:

Resolved, That each Senator and the Lieutenant Governor be permitted to subscribe for five (5) daily newspapers, to be paid for out of any funds appropriated for contingent expenses of the Senate, said papers to cost not more than 3 cents per copy.

PAULUS,
TERRELL,
KELLIE.

The resolution was read and adopted.

By Senator Chambers:

Be it resolved by the Senate of the State of Texas, That the President of the Senate is hereby authorized to appoint one additional porter, who shall act as bootblack.

Read and referred to Committee on Contingent Expenses.

By Senator Barrett:

Resolved, That the Engrossing Clerk be permitted to engross bills either in typewritten form or in handwriting.

The resolution was read and adopted.

FROM COMPTROLLER.

Austin, Texas, January 10, 1907.

Hon. Geo. D. Neal, President of the Senate, Senate Chamber.

Dear Sir: We beg to herewith acknowledge receipt from you for cancellation of the following certificates for services of Senators for mileage and per diem in the Second Called Session of the Twenty-ninth Legislature:

No. 2, A. P. Barrett, \$159.

No. 6, A. B. Davidson, \$97.

No. 9, Jos. Faust, \$65.
 No. 10, G. W. Glasscock, \$55.40.
 No. 13, W. A. Hanger, \$123.40.
 No. 16, A. S. Hawkins, \$157.
 No. 20, B. F. Looney, \$149.
 No. 22, W. C. McKamy, \$129.
 No. 25, S. P. Skinner, \$116.60.
 No. 27, R. N. Stafford, \$157.
 No. 31, J. M. Terrell, \$169.80.
 No. 32, J. G. Willacy, \$126.20.

Under the enclosed resolution these warrants will be canceled and filed in the warrant department of the Comptroller's office.

Trusting this is satisfactory, we remain, yours truly,

J. W. STEPHENS,
 Comptroller.

MESSAGE FROM GOVERNOR.

Executive Office,
 Austin, Texas, January 10, 1907.

To the Senate:

I ask the advice and consent of the Senate to the following appointments, which were made by me during the recess of the Senate, to wit:

William B. Hopkins, to be district judge of the Twenty-eighth Judicial District, vice Stanley Welch, deceased.

Clem B. Potter, to be district judge of the Sixteenth Judicial District, vice D. E. Barrett, deceased.

J. E. Yantis, to be Assistant Attorney General, vice Howard Martin, deceased.

C. S. Williams, to be district attorney of the Sixty-fourth Judicial District, vice R. M. Ellerd, resigned.

M. Carter, to be district attorney of the Thirty-second Judicial District, vice E. M. Whitaker, resigned.

T. P. Morris, to be district attorney of the Thirty-sixth Judicial District, vice F. H. Burmeister, resigned.

Horace W. Vaughn, to be district attorney of the Fifth Judicial District, vice H. F. O'Neal, resigned.

J. Murphy to be a member of the Board of Dental Examiners, vice W. G. Jackson, deceased.

Bush Jones to be a member of the Board of Dental Examiners, vice T. L. Westerfield, resigned.

H. W. Lubben, to be a member of the Board of Dental Examiners.

J. H. B. Miller, to be a member of the Board of Managers of the Confederate Home, vice A. W. McIver, deceased.

Walter Tips, to be a member of the Board of Penitentiary Commissioners, vice L. M. Openheimer, deceased.

H. M. Rainbolt, to be a member of the Board of Managers of the Epileptic Colony, vice Abdon Holt, resigned.

George E. Shelley, to be a member of

the Board of Trustees of the Deaf, Dumb and Blind Asylum (Colored), vice R. M. Thompson, resigned.

S. W. T. LANHAM,
 Governor.

EXECUTIVE SESSION, TIME SET FOR.

On motion of Senator Glascock, tomorrow at 10:30 o'clock was the time set for the Senate to sit in executive session to consider the above appointments.

NOTARIAL CLERK ELECTED.

Here Senator Holsey moved that the Senate reconsider the motion adopted on the 9th inst., postponing the election of a Notarial Clerk.

The motion was adopted.

Senator Mayfield then nominated E. J. Roberts for Notarial Clerk. No other nominations.

Senators Faust and Kellie were appointed tellers and the ballot resulted in Mr. Roberts receiving 26 votes. He was declared duly and constitutionally elected and was given the oath of office by the Chair.

PAGE APPOINTED.

The Chair hereby laid before the Senate the following, which was by request of Lieutenant Governor-elect Davidson:

Austin, Texas, January 10, 1907.

I hereby appoint Lorange Lane of Grayson county page in lieu of Marvin Smoot of DeWitt county, who after his arrival here, was found to be too tall for service in the Senate as page.

MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,
 Austin, Texas, January 10, 1907.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has completed its organization by electing the following officers:

Thos. B. Love, Speaker.

Bob Barker, Chief Clerk.

Frank Kemp, Assistant Chief Clerk.

Sebe Newman, Sergeant-at-Arms.

E. B. Willis, Assistant Sergeant-at-Arms.

Marshall Burney, Journal Clerk.

J. L. Robinson, Assistant Journal Clerk.

Tilden Childs, Calendar Clerk.

R. W. Lorange, Engrossing Clerk.

J. T. Robison, Enrolling Clerk.

Mark Logan, Reading Clerk.

O. P. Basford, Assistant Reading Clerk.

W. J. L. Sullivan, Doorkeeper.

R. L. Rust, Assistant Doorkeeper.

Mrs. S. R. Boyd, Postmaster.

Miss Leila Doyle, Assistant Postmaster.

W. J. Joyce, Chaplain.

Also passed the following House Concurrent Resolution No. 1, providing for the appointment of a joint committee to arrange for the counting of the votes for Governor and Lieutenant Governor and to arrange for the inauguration of said officers. Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

STANDING COMMITTEES—APPOINTMENT OF.

The Chair here announced the appointment of the following standing committees, as appointed by Lieutenant Governor-elect Davidson:

LIST OF STANDING COMMITTEES.

Judiciary No. 1.—Stone, Chairman; Skinner, Harper, Grinnan, Meachum, Chambers, Brachfield, Paulus, Senter, Green, Veale, Griggs, Masterson.

Judiciary No. 2.—Looney, Chairman; Terrell, Smith, Alexander, Hudspeth, Watson, Greer, Stokes, Barrett, Paulus, Meachum.

Internal Improvements — Brachfield, Chairman; Skinner, Chambers, Willacy, Looney, Senter, Masterson, Mayfield, Holsey, Green, Murray, Faust, Alexander.

Finance.—Willacy, Chairman; Faust, Murray, Barrett, Paulus, Masterson, Green, Meachum, Skinner, Harper, Stokes.

Educational Affairs.—Barrett, Chairman; Harper, Green, Grinnan, Kellie, Senter, Meachum, Paulus, Glasscock.

Constitutional Amendments.—Harper, Chairman; Looney, Brachfield, Smith, Skinner, Senter, Grinnan, Terrell, Barrett.

Towns and City Corporations.—Chambers, Chairman; Masterson, Alexander, Green, Griggs, Senter, Harbison, Holsey, Smith, Willacy.

Public Land and Land Office.—Murray, Chairman; Veale, Willacy, Alexander, Kellie, Grinnan, Hudspeth, Green.

State Penitentiaries. — Meachum, Chairman; Hudspeth, Mayfield, Griggs, Greer, Brachfield, Stokes, Watson, Holsey.

Public Health.—Paulus, Chairman; Griggs, Masterson, Willacy, Meachum, Senter, Terrell, Green, Faust.

Military Affairs.—Kellie, Chairman; Faust, Green, Barrett, Hudspeth, Greer, Griggs, Glasscock, Holsey.

State Affairs.—Faust, Chairman; Terrell, Green, Senter, Greer, Murray, Holsey, Brachfield, Smith.

Commerce and Manufactures.—Masterson, Chairman; Alexander, Kellie, Griggs, Terrell, Skinner, Harbison, Holsey, Green.

Roads, Bridges and Ferries.—Green, Chairman; Senter, Veale, Watson, Harper, Meachum, Mayfield, Hudspeth, Glasscock.

Public Debts, Claims and Accounts.—Stokes, Chairman; Grinnan, Willacy, Murray, Chambers, Barrett, Watson, Faust, Looney.

Rules.—Greer, Chairman; Skinner, Terrell, Willacy, Looney, Green.

Federal Relations.—Mayfield, Chairman; Griggs, Hudspeth, Willacy, Barrett, Veale, Terrell.

Counties and County Boundaries.—Holsey, Chairman; Harper, Grinnan, Paulus, Willacy, Watson, Masterson, Green, Stone.

Public Printing.—Grinnan, Chairman; Looney, Smith, Watson, Brachfield, Kellie, Skinner.

Judicial Districts.—Watson, Chairman; Veale, Griggs, Murray, Barrett, Hudspeth, Harper, Willacy.

State Asylums.—Harbison, Chairman; Holsey, Glasscock, Green, Faust, Paulus.

Stock and Stockraising.—Hudspeth, Chairman; Willacy, Veale, Murray, Grinnan, Green, Alexander.

Agricultural Affairs. — Glasscock, Chairman; Murray, Watson, Looney, Skinner, Stone, Harbison.

Treasurer's and Comptroller's Department.—Senter, Chairman; Skinner, Smith, Terrell, Looney, Harper, Grinnan, Greer.

Privileges and Elections.—Skinner, Chairman; Stokes, Brachfield, Green, Murray, Alexander, Senter.

Public Buildings and Grounds.—Griggs, Chairman; Harper, Faust, Willacy, Chambers, Glasscock, Barrett.

Insurance, Statistics and History.—Terrell, Chairman; Watson, Mayfield, Looney, Griggs, Smith, Senter, Stokes.

Mining and Irrigation.—Veale, Chairman; Masterson, Willacy, Kellie, Griggs, Murray, Hudspeth.

Labor.—Alexander, Chairman; Brachfield, Harbison, Green, Griggs, Kellie, Masterson, Mayfield.

Enrolled Bills.—Masterson, Chairman; Holsey, Grinnan.

Engrossed Bills.—_____, Chairman; Barrett, Stokes, Terrell.

(President Pro Tem. Skinner in the chair.)

HOUSE CONCURRENT RESOLUTION
NO. 1—ADOPTION OF.

The Chair here laid before the Senate House Concurrent Resolution No. 1, Providing for the appointment of a joint committee to arrange for counting the votes for Governor and Lieutenant Governor, and to arrange for the inauguration of said officers.

Be it resolved by the House of Representatives of the Thirtieth Legislature, the Senate concurring, That a committee of three members of the House be appointed by the Speaker to act on the part of the House with a like committee on the part of the Senate to arrange for counting the votes for Governor and Lieutenant Governor, and for the inauguration of said officers.

The resolution was read, and on motion of Senator Willacy, was adopted.

COMMITTEE APPOINTED.

In accordance with the above resolution, the Chair appointed the following committee:

Senators, Stone, Stokes and Green.
(Lieutenant Governor Neal in the chair.)

SPECIAL COMMITTEE REPORTS.

Senator Willacy here asked unanimous consent to offer the following committee reports:

Austin, Texas, January 10, 1907.

Hon. Geo. D. Neal, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 2, being a bill to be entitled An Act appropriating \$20,000 to pay the contingent expenses of the Thirtieth Legislature, and declaring an emergency, have have the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be not printed.

WILLACY, Chairman.

Austin, Texas, January 10, 1907.

Hon. Geo. D. Neal, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 1, being an bill to be entitled An Act appropriating \$110,000, or so much as necessary, to pay mileage and per diem of members and per diem of officers and employes of the Thirtieth Legislature, beg to report that we have had the same under consideration and report it back to the Senate with the recommendation that

it do pass and that it be not printed and declaring an emergency.

WILLACY, Chairman.

SENATE BILL NO. 1. MILEAGE AND
PER DIEM.

Senator Willacy called up Senate bill No. 1 (Mileage and Per Diem Bill) and moved that the Senate rule requiring committee reports to lay over for the day be suspended for the purpose of considering the bill. The rule was suspended by the following vote:

Yeas—28.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harbison.

Senter.

The committee report was adopted.

The bill was then laid before the Senate and Senator Willacy moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading. The motion prevailed by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Green.
Harbison.

Senter.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Griggs.	Senter.
Harbison.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Griggs.	Senter.
Harbison.	

SENATE BILL NO. 2—CONTINGENT EXPENSES—PASSAGE OF.

Senator Willacy called up Senate bill No. 2 (Contingent Expenses) and moved that the Senate rule requiring committee reports to lay over for one day be suspended for the purpose of considering the bill. The rule was suspended by the following vote:

Yeas—27.

Alexander.	Green.
Barrett.	Greer.
Brachfield.	Grinnan.
Chambers.	Harper.
Faust.	Holsey.
Glasscock.	Hudspeth.

Kellie.	Smith.
Looney.	Stokes.
Masterson.	Stone.
Mayfield.	Terrell.
Meachum.	Veale.
Murray.	Watson.
Paulus.	Willacy.
Skinner.	

Absent.

Griggs.	Senter.
Harbison.	

The committee report was adopted.

The bill was laid before the Senate, and, on motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading and final passage by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Griggs.	Senter.
Harbison.	

Bill read second time, and ordered engrossed.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.
Harbison. Senter.

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.
Harbison. Senter.
Paulus.

ADJOURNMENT.

On motion of Senator Terrell, the Senate adjourned till tomorrow morning at 10 o'clock.

APPENDIX.

GOVERNOR'S MESSAGE.

To the Senate and the House of Representatives:

In submitting information of the condition of the State it may be well to retrospect certain salient features associated with the conduct of public affairs, to review, in some degree, important events occurring during the incumbency of the retiring Chief Executive and to recite something of his official experience and administrative action. When, more than four years ago, it became manifest that he was to be chosen to occupy the high station of Governor, he immediately began a careful consideration of the public service, visited as many of the State institutions as it was possible for him to do, and endeavored to acquaint himself with their operations and necessities. He also devoted his best reflection to what he deemed was advisable in the matter of needful additional legislation, and subsequently sought, through appropriate messages, to impress his convictions upon the legislative mind. It may not be improper to remark that, during both his official terms, he has earnestly recommended the enactment of the platform demands

of the political party to which he owes his election and which has received his unflinching allegiance. Many great questions of public policy had been settled and reduced to law anterior to his inauguration, and comparatively few measures of unusual importance and urgent necessity were being agitated. The State was remarkably quiet, the people were generally satisfied and prosperous, and the public mind was relatively undisturbed by serious contention. There was an absence of what is usually classed as "burning issues." So tranquil was the situation that among the introductory words of his first message to the Twenty-eighth Legislature, he took occasion to say: "It is not believed that a large amount of new legislation is needed (aside from platform demands). Too many laws—too much government—are not desirable. Only such matters as the actual conditions and public necessities call for should consume our time or absorb our attention. We should avoid any ill-advised experimentation."

The initial embarrassment that confronts any incoming Governor is the selection of those appointive officers whom he is given the power to designate, which must frequently be made in the presence of sharp competition. In the exercise of this authority he soon discovers that official patronage may prove a source of perplexity and weakness, rather than of popularity and strength; for he can only choose one out of a number of applicants for the same place, and the disappointed, in most instances, are indisposed to accept with perfect resignation, or regard with supreme patience the decision reached in favor of a successful rival. Under such circumstances, the knowledge that the action taken was with an earnest purpose to promote efficiency in the management of the State's affairs, is the only antidote for the dissatisfaction engendered and ensuing estrangement.

I have pursued the policy of appointing those whom I believed to be well qualified as Heads of Departments, and then leaving to them the selection of subordinates and clerical force in their respective divisions of the public service, without any attempt at dictation upon the part of the Executive. This has proven to be a good plan and productive of satisfactory results. It has served to place responsibility where it properly belongs. By thus reposing full confidence in the Heads of the Departments their own sense of direct accountability has been intensified, discipline facilitated, and the loyalty and industrious efforts of those they have chosen have been inspired, while the highest obli-

gation to acceptable work has been stimulated. I cheerfully bear testimony to the useful service rendered and orderly administration observed, and believe that they are largely attributable to the methods adopted in the matter of appointments.

I have had occasion to nominate twenty-five—more than one-third—of the district judges of the State, fourteen district attorneys, and three judges of the Courts of Civil Appeals. In each case I have endeavored to choose worthy and competent men, and am convinced that they have exhibited in their official conduct the necessary fitness for the positions bestowed. Other and various minor appointments have been made with due concern for the good of the service involved. That the State has been well officered, in so far as the Chief Executive has had the power to determine, may, I think be safely affirmed.

A vast amount of ex officio work, frequently unknown to, and hence its gravity unappreciated by the public, has been done, as is evidenced by correspondence on file and otherwise shown by the records. Scarcely a day has passed in which there has not arisen something urgently demanding the presence and attention of the Executive, and often it has been hard to resolve doubt into duty. In consequence he has rarely been absent from the scene of his official duties.

I realized upon the threshold of my service that under the then existing laws relating to taxation and revenue, and on account of existing obligations, the growth and expansion of the State's business, the large and consequent demands upon the public treasury, and the making of suitable provision for needed improvements, it would be a difficult, if not an impossible, undertaking to confine the appropriations within the limits of the revenue receipts. The ad valorem rate of taxation was then 16 2-3 cents on the \$100, by virtue of the Act of February 19, 1900, which reduced the former rate of 20 cents. In consequence the collections available for several ensuing years were correspondingly diminished.

After careful consideration of the conditions, I felt impelled to say to the Legislature, among other things, as follows: "It may be safely stated that the rate of taxation must be increased, new sources of revenue discovered and applied, evasion of just rendition of assessable values prevented, present and prospective appropriations of public money curtailed and a large reduction made, or inevitable deficiency and disaster must ensue." I also suggested that we could not assume that the amount

of money to come into the treasury for the two following years would reach the estimate of \$6,300,000 as submitted from the Comptroller's office. The Legislature was earnestly requested to make requisition upon all sources of revenue improperly escaping assessment, to confine appropriation within the boundaries of reliable resources and deliver the State from the humiliation of a deplorable deficiency. The fiscal situation was faithfully and repeatedly advertised, by "line upon line and precept upon precept," and reference can be made with confidence to all my official utterances upon the subjects of revenue and taxation.

Numerous bills involving appropriations were passed at the regular session of the Twenty-eighth Legislature. I felt constrained to veto quite a number of them, which, in the aggregate, would have required the ultimate expenditure of about \$400,000. The general appropriation bill, for the support of the State Government from September 1, 1903, to August 31, 1905, was passed at the special session of that Legislature, convened immediately upon the adjournment of the regular session. Despite the reiterated admonitions of the Governor, it was found to contain a sum total very largely in excess of the prospective revenues. In the judgment of the Executive, to have called another extraordinary session would have only added to the public expense, without reasonable probability of accomplishing any material change or effecting substantial reduction. Accordingly, he undertook to diminish the total amount carried in the bill by vetoing such items as he thought could be eliminated without serious detriment to the public service. Sums aggregating nearly \$600,000 were thus subtracted. In all, appropriations approximately to the extent of \$1,000,000 met with Executive disapproval. Notwithstanding this, it was apprehended at the time that the State would be unable to meet promptly all the obligations imposed and that arrearage would follow. The treasury was not able to respond to all current requisitions on presentation for the fiscal year ending August 31, 1904, but was compelled to suspend payments and enter upon the registration of warrants on July 13th, and on August 31st, following, was in arrears to the extent of \$227,332.90. On August 31, 1905, there were outstanding registered warrants amounting to \$721,250.17, the general revenue having been exhausted April 7th preceding. These obligations were afterwards discharged upon the receipt of sufficient funds from tax collections, which came in at later

periods. I am not prepared to say that those bills involving charges upon the treasury, which were passed by the Twenty-eighth Legislature and finally became laws, were improvident or not justified by public necessity. There were many important considerations which called for increased expenditures. Provision had to be made for putting in operation the Girls' Industrial School at Denton, for the equipment of the Epileptic colony at Abilene, and the Southwest Texas State Normal at San Marcos; for the extension and enlargement of the iron industry at the Rusk Penitentiary; for new buildings at the Blind Asylum, the A. and M. College and Confederate Home; for repairs and improvements at the eleemosynary institutions; for manual training in the free schools; for increase of Confederate pensions, and other public purposes where appropriations were imperative. The only reasonable objection that can be made—and such is not chargeable to the Executive—is that the raising of sufficient revenue was not provided for in advance, to meet and punctually discharge the obligations created; for the State finally received the benefits of the appropriations in useful additions to the public service, the advantages of which have been clearly shown by later experience and observation. I desire to say, in this connection, that there was much of valuable work done by the Twenty-eighth Legislature. Perhaps the most important and conspicuous law passed was that "Defining and prohibiting trusts, monopolies and conspiracies in restraint of trade," than which it is believed that no more thorough, comprehensive and efficacious enactment calculated to reach and prevent the oppressive combinations and evils against which it was directed, has ever been placed upon the statute books of any State in the Union. It stands as a monument to the wisdom and patriotism of that Legislature. Among other useful measures which received attention and became laws may be mentioned those designed "to preserve the purity of the ballot box" by regulating elections, to protect the interests and regulate the employment of labor, to promote the iron industry at Rusk, to establish a Pasteur hospital, to regulate the sale of intoxicating liquors, and to provide for uniform textbooks, as well as manual training in the public free schools. This enumeration is partial and does not include other meritorious legislation.

When the Twenty-ninth Legislature convened there was embraced in my first message a somewhat elaborate statement concerning the condition of our revenues,

the inadequate and defective methods and machinery for obtaining proper renditions and the ascertainment of correct taxable values, and the urgent necessity for making suitable provision for the supply of sufficient means to meet the expenses and discharge the obligations of the State. It was obvious that additional legislation was required and that more money should be raised than could possibly be done under the laws and conditions that then obtained. The inability of the State to promptly pay its warrants, and the great arrearage that would result at the end of the current fiscal year, together with the large estimates that had been submitted calling for future appropriations and the extent of the receipts from all sources on the then existing basis of taxation, were earnestly presented and emphasized. In addition to urging that the proper assessment of intangible assets be fully provided for, that the modes of rendition and assessment of property be so revised and regulated that the claims of the State and the obligations of the taxpayer could not be avoided, that no legitimate source of revenue, whether owned by corporations or individuals, should be allowed to withhold its appropriate tribute to the maintenance of the Government, with other cognate suggestions, I recommended an increase of the ad valorem tax rate to 25 cents for the year 1905, and that annually thereafter it should be 20 cents. I anticipated that we might have delays and obstructions in the enforcement of such other legislation as might be enacted for the improvement of our system of taxation. It seemed to me, as stated in my message, that whatever might be done along other lines would be building for the future and that, however well the work might be accomplished, its beneficial results would hardly become practically useful during that year, nor was it believed that it could be correctly estimated to what extent its operations would prevail in thereafter furnishing additional revenue. Three important measures designed to raise revenue were passed at the regular session of the Twenty-ninth Legislature, viz.: Providing for the levy, assessment and collection of a tax on the gross receipts of railroads; providing for taxing intangible assets of certain corporations, and providing for levying and collecting taxes upon the gross receipts of certain individuals, firms and corporations. These acts were approved April 17, 1905. The first two took effect ninety days after adjournment and the last became a law upon approval. These laws were resisted and litigation followed affecting

the supposed large receipts to be derived therefrom for the fiscal years of 1905 and 1906 to such an extent that even up to September 15, 1906, there had been collected and received through two of them only \$251,557.02, three-fourths of which went to the credit of the general revenue and the remainder to the available school fund, nothing having been then received through the law for taxing intangible assets.

When it became apparent that the Legislature intended to adjourn without complying with the recommendation to increase the ad valorem rate, under date of April 11, 1905, the exigency was again presented through a message in part as follows: "I am advised that you have determined to adjourn sine die on the 15th instant. I beg to urge upon your thoughtful consideration the manifest necessity of making provision for raising the necessary revenue for the support of the State Government before adjournment. The bills you have already passed relating to taxation will not prove adequate to meet the necessities of the situation. What delays may attend their execution and exactly how much revenue may be finally derived from their operation it is impossible to forecast. In my first message to you, after a careful study of our conditions, I felt constrained to urge an increase of the ad valorem rate of taxes to meet the emergency that is upon us. Subsequent events have confirmed the propriety of that recommendation and its correctness can not, in the light of what has occurred, be successfully controverted. I renew with the utmost emphasis the request that, before you adjourn, this recommendation be observed and that the bill carrying the same into effect be promptly passed by the requisite majority to make it immediately operative. I earnestly invoke your serious and prompt attention to this matter." The regular session adjourned without taking any action upon these suggestions. An extraordinary session was immediately called. Again this subject was submitted in the following language: "The means to carry on the Government, to pay its debts and maintain its credit must be supplied. I renew and reiterate the suggestions made to you at the regular session. It is obvious to every one at all familiar with the conditions, that upon the existing basis of taxation and with all the enactments that have been made designed to raise revenue, the amount to be realized will be insufficient to meet the requirements for the economical administration of the State Government for the present and two succeeding fiscal years.

Making the most liberal allowance for the operation of the revenue bills passed at the regular session, and assuming that there will be no obstruction interposed to their free course and execution, it will be impossible through them and other sources available to meet the demands present and prospective upon the public treasury. With the appropriations already made and yet to follow, and the current expenses to be met, the end of the present year will find the State in arrears in a very large amount. Immediate relief must be had. To obtain this and make the necessary provisions for the support of the Government, it is absolutely necessary to increase the ad valorem tax rate. I again recommend that it be raised to 25 cents for the calendar year 1905 and to 20 cents thereafter, and that it be done to take immediate effect. I need not repeat nor multiply the arguments previously presented. The procurement of revenue should precede its expenditure." In partial response, the Legislature passed a bill, approved May 15, 1905, which provided for the levy and collection for revenue purposes, annually for the years 1905 and 1906, of an ad valorem rate of 20 cents, and annually thereafter of 16 2-3 cents, which latter rate is now in force and will so continue until changed by legislation.

The appropriation bill for the support of the State Government for the two years ending August 31, 1907, was quite economical and is free from any just complaint of extravagance.

The general revenue fund became exhausted on June 18, 1906, and cash payments were suspended until August 2, following, when they were resumed. We were fortunate in securing an appropriation through Congress of \$375,418.94, on account of the State's claim for expenses incurred in frontier protection, which was promptly collected, without expense to the State, and aided materially in enabling us to be on a cash basis at the end of the fiscal year, August 31, 1906, at which time we had in the treasury the net sum of \$64,845.23, which, however, was soon consumed, and on September 12 we again entered upon the registration of warrants, there being no revenue with which to discharge them. Since then, as funds have reached the treasury, calls have been made from time to time for outstanding registered warrants, and the same have been paid off to the extent of the cash on hand.

By virtue of the act "Defining and regulating the sale of feed stuffs," there has been collected a considerable amount of money on account of inspection fees, which is now in the treasury and has

not been expended, for the reason that under the construction of the Attorney General, it can not, without further legislative authority, be applied to purposes of general revenue. The receipts from this source have been larger than was anticipated, and on December 1, 1906, amounted to \$55,357.40. I recommend that so much thereof as is not needed for the enforcement of the provisions of the act be transferred to the credit of the general revenue fund.

By authority of the law of 1905 providing for taxing intangible assets of certain corporations, a State Tax Board was created and a Tax Commissioner appointed. The Board was organized on March 2, 1906, and entered upon the duties prescribed. It ascertained and certified to the tax assessors of the respective counties of the State the intangible and unassessed property taxable under the law, which in the aggregate amounted to \$161,237,373. There was not exceeding 20 per cent of this amount assessed by the local authorities of the counties and carried upon the tax rolls—some of them having greatly reduced the amounts certified and others making no assessments whatever.

The State Revenue Agent has done much valuable work and been able to bring into the treasury considerable sums of money, amounting to about \$30,000, due the State from different sources, which except for his activity and vigilance, would have remained unpaid, and of which no account would have been made. Further and more particular information as to what has been accomplished through his instrumentality and efforts is disclosed in his annual report.

During the fiscal year 1905-06 the Governor approved sworn estimates of deficiencies to the amount of \$46,990, of which there remains an unexpended balance of about \$11,000. The registered and estimated claims for the same period on account of sheriff's fees and district court expenses amount to \$26,900. It may be safely stated that these deficiency accounts are far less than what has been required during the same length of time for similar purposes in many years. There has been a general effort to confine expenditures within the appropriations and a commendable disposition to practice strict economy by the heads of the different departments and superintendents of other branches of the public service, in conformity to the will of the Legislature as declared in the last general appropriation bill.

The estimates of appropriations for the support of the State Government from September 1, 1907, to August 31,

1909, aggregate \$8,629,236.68. I am unable to submit an accurate statement as to the extent of the revenues, owing to pending litigation, but it is believed, and so estimated by the Comptroller, that the receipts from all sources for said period under the tax laws now in force will not be less than \$7,177,900. They may, and I think probably will, exceed that sum; but it is considered a conservative estimate.

The bonded indebtedness of the State is comparatively insignificant when our wealth and resources are considered. It amounts to only \$3,389,400, of which \$1,935,000 bears interest at 3 per cent per annum, \$334,500 at 4 per cent, \$1,421,900 at 5 per cent, and \$298,000 at 7 per cent. With the exception of \$69,000 held by counties in Texas, and \$80,400 by non-resident individuals, the entire amount belongs, respectively, to the Permanent School, University, Agricultural and Mechanical College and the different asylum funds of the State. In accordance with acts of the Twenty-eighth and Twenty-ninth Legislatures, certain State bonds, amounting to \$288,000, which matured January 1, 1904, and \$1,647,000, July 1, 1906, were retired and new bonds bearing interest at 3 per cent per annum were issued in their stead, and exchanged as directed by said acts. It will thus be seen that our debt is not only relatively small, but is nearly all payable at home and to our own institutions.

It is believed that there will be in the Treasury to the credit of the general revenue, less such expenditures as may be hereafter authorized, at the end of the fiscal year (August 31, 1907) something more than \$500,000, and it may possibly reach the sum of \$700,000, contingent upon additional receipts that it is not unreasonable to expect, but which can not now be accurately determined. The estimate of the Comptroller showing a less amount is attributable to the usual inclusion of certain appropriations, which are not likely to be expended. At all events, without taking into account the appropriations that may be made available by this Legislature and to be deducted from the receipts of the present year, there should be quite a balance of revenue on hand at the time indicated. Notwithstanding the difficulties and fiscal embarrassments with which we have been confronted, it is pleasing to know that the financial condition of the State is fairly satisfactory, and, indeed, far better than the uninformed have supposed and than might have been expected under all the circumstances that have arisen.

There were many important laws

passed by the Twenty-ninth Legislature, prominent among which are those amending statutes imposing a franchise tax on domestic and foreign corporations; relating to the sales of mineral, school and asylum lands; providing for organizing and disciplining the militia; relating to local option; providing for county auditors; prescribing when assumed risk may be available as a defense; providing for a system of depositories for State, county and city; regulating elections; authorizing the creation of banks and banking corporations, and making provision for the accommodation of lunatics.

The net value of the Permanent School Fund, including cash, bonds, land notes and leases, and exclusive of school lands not sold or leased, was, on September 1, 1906, \$46,656,685.45. In former messages to the Regular and Second Called Sessions of the Twenty-ninth Legislature I have shown the investments of Permanent School funds made by the State Board of Education. Since January 20, 1903, and up to March 16, 1905, there had been invested in the purchase of approved bonds \$3,180,358, at an average rate of interest of more than 4 per cent. Subsequently the Board has purchased county, city and independent school district bonds amounting to \$1,584,000, at an average rate of interest of 4.23 per cent. It has also bought State bonds to the extent of \$454,200 upon a basis of 3 per cent. These bonds commanded a premium and could not be obtained at their face value. The Board has deemed it wise to buy State bonds whenever practicable, and in this respect has acted in keeping with the refunding policy of the State, as indicated in the acts to which reference has been made, and sought to secure as much as possible of the interest thereon payable by the State, for the benefit of the available school fund. Owing to the prosperity that has prevailed, large quantities of school land have been sold, the payment of principal and interest on former sales has been greatly stimulated, and many maturing bonds have been paid off and discharged. As a result there was quite an accumulation of money to the credit of the Permanent School Fund during the year just past, amounting at times to about \$1,000,000. There was a falling off in desirable bond offerings, and it was impossible to dispose of the fund as expeditiously as had previously been the case. The work of the Board has been onerous and the responsibility great. Its best judgment has been exercised in behalf of the fund over which it has had control. In all, since January 20, 1903, the Board has

invested, and it believes judiciously, the large sum of \$5,218,558, or more than \$1,304,000 for each year. On December 1, 1906, there was on hand for further investment the sum of \$475,586.94.

The Board made an apportionment of \$5.25 per capita for the benefit of the pupils of the public free schools for the educational year 1905-06, which was quite an increase over that of preceding years. This would have been continued and augmented for the year 1906-07, but for the fact that the last scholastic census enumeration embraces children between the ages of seven and eight years, which was not previously the case, and in consequence of which the enrollment is increased to the extent of eighty thousand children, and accordingly the apportionment was placed at \$5 per capita. It is believed that this amount may yet admit of some addition for the current year. It is confidently expected that the next annual report of the Department of Education will show that the requirement of a six months' public free school term throughout the State will have been accomplished; in fact, we have already nearly reached that end. The enrollment in the public schools during the past year reached the number of 694,708 and there was an average daily attendance of about 500,000 children. There is now being expended annually in the education of those within the scholastic age the sum of more than \$6,000,000.

The methods of instruction in our schools have been greatly improved and the entire system of teaching is characterized by the spirit of progress. The number of high grade certificates issued is increasing to a marked extent, while that of lower grades is decreasing. From the primary school to the State University the cause of education is being promoted to a degree and crowned with a success never before witnessed in the history of the State. The attendance at the normals, the Agricultural and Mechanical College, the Girls' Industrial College and the University is larger than it has ever been, and to such an extent that in some instances it has been difficult, if not impossible, to fully accommodate the constantly increasing number of applicants for admission into these splendid institutions of learning. It will be found necessary to enlarge the capacity of some, if not all of them, in order to meet the growing demands for supplying the necessary opportunities, comforts and facilities for the worthy and ambitious youth of our State who aspire to attain the educational excellence which through our own schools can

be acquired in as high degree as can be elsewhere secured. The disposition to be educated at home is constantly growing among our young people, and suitable encouragement in this direction should not be withheld. Diplomas from the University and colleges of Texas carry with them very high and creditable certifications of literary, professional and scientific attainment, equal to most and surpassing many of those of similar grades in other States of the Union. I quote the following statement from our Superintendent of Public Instruction: "During the year ending August 31, 1906, the State University and its branches, the State normal schools and the School of Industrial Arts record their greatest attendance and prosperity. The fact that there were 2000 more students enrolled in the State institutions of higher learning during the past year than in previous years is evidence of the general acceptability of these schools to the people of Texas. This increased attendance indicates further that a greater percentage of our people is receiving higher education than ever previously received it."

The President of the University of Texas advises me that "The University is endeavoring to promote education of all grades in the State in every possible way. It seeks to sustain friendly and helpful relations towards all private institutions as well as towards all parts of the State system. It is especially interested in seeking to assist in upbuilding the public school system in the rural districts as well as in the towns and cities. It keeps in close contact with the high schools. Rapid progress is being made by the schools of the State. This is shown by the fact that they are able to secure affiliation with the University. During the last four years the number of affiliated schools has increased from 97 to 124. With a view to further assisting the cause of education in the State, the University has for some years maintained a summer session. This is intended in a considerable measure for teachers who have not had an opportunity of attending a university during the session. The number of students taking advantage of the privileges of the summer session has increased since 1902-03 from 262 to 601. The University each year extends its facilities to a larger number of young men and young women of Texas. The total registration four years ago was 1291; during the session which closed in June, 1905, it was in all departments 1991, a gain of 700 students. There is a total enrollment

for the present session of more than 2250."

The Agricultural and Mechanical College is an institution of great practical utility and has been steadily advancing in efficiency. It is believed to be one of the best of its kind, in comparison with those of like purposes in other States. Its graduates are in great demand and have no difficulty in securing employment in the various pursuits for which their training has qualified them. Its present facilities are insufficient for its increasing necessities. Its conservation, proper equipment and further upbuilding should receive the favorable consideration of the Legislature.

The educational system of our State, in tone, standard and organization, as well as in practical application, is of excellent character and affords just cause for public satisfaction. It is symmetrically correlated, and from the elementary stages to the highest consummations it is co-operative, helpful and uplifting.

The proper management of our penitentiary system, embracing as it does so many important subjects, and charged as it is with such great and varied responsibility, and requiring so much of practical business sagacity, close attention and devotion to the public interests, is perhaps the most difficult problem with which any administration has to contend. There is nothing in the public service that has more engrossed executive solicitude than to secure the satisfactory and successful operation of our penal institutions and their allied incidents and ramifications. There is no place in the service where opportunity for wrong-doing is greater and the discovery of delinquency is more difficult; nor are there any official positions where absolute honesty and fidelity to patriotic obligations are more in demand, and where their exhibition should be correspondingly more appreciated. It gratifies me to say that the agents I have selected to conduct our penitentiary business have wrought well and measured up to the full standard of integrity and efficiency, and to them the whole State is indebted for the excellent condition in which we now find the system. They have paid its debts. They have made it self-sustaining. They ask no appropriation for its maintenance beyond the receipts resulting from its operations. They have made permanent and valuable improvements, repaired buildings damaged by fire, making them better than before, and met all the expenses therewith connected. They have rehabilitated and successfully established the iron industry at Rusk, thereby accomplishing

a great material benefit, whose influence extends beyond the confines of their immediate work, and invites attention to the wonderful possibilities of the iron ore resources of the State. To effect these results has required time, careful judgment, the substitution of new methods and unceasing energy. They have made it possible to increase the resources of the State Treasury to the extent of \$150,000. They have successfully managed our State farms. While not approving the convict lease policy, and wishing for its ultimate discontinuance, they have made judicious and profitable disposition of the contract forces. They have maintained first-class prison discipline. They have treated the convicts humanely, and carefully conserved their health, the death rate being lower than that of other similar institutions. I have thus mentioned certain conspicuous features which stand to their credit, and still more might be said and will be shown by reference to their reports, to which I invite the especial attention of the Legislature. I ask also a careful consideration of the recommendations therein contained. They are based upon practical experience and actual knowledge and hence entitled to great weight and respect.

The record made at the House of Correction and Reformatory deserves approbation, and will, upon examination, be found highly satisfactory. The convicts have been well treated and the avails of their work have steadily increased, bringing a larger contribution to the Treasury than at any previous period. It would be well to make provision for some plan of industrial education for these youthful offenders.

I think I can safely declare that the prison affairs of the State and all their associated interests have in all respects been wisely and faithfully administered and, to say the least, were never in better condition than they now are.

During my two official terms up to December 1, 1906, there were granted 392 pardons and many more restorations of citizenship. Since then a few additional pardons have been granted. In the exercise of Executive clemency I have sought to extend relief only where it seemed to be deserved and appropriate under the circumstances of each particular case. In restoring ex-convicts to the rights of citizenship, the controlling motive has been that such action might encourage them to better conduct and further reformation. The death penalty has been commuted in five cases, for what appeared to be sufficient reasons. I have remitted quite a number of fines

and penalties in misdemeanor cases, for good cause shown, and where it seemed that such action was warranted. The Board of Pardon Advisers has rendered valuable assistance to the Governor, without which it would have been impossible for him to have given consideration to the many applications for pardon that have been presented. The work and strain upon both the Board and the Executive in the matter of pardons have been quite trying, and careful attention and close investigation have been necessary in order to reach correct conclusions. The Board has visited the penitentiaries and made personal inquiry as contemplated by law. The record and papers in each case where Executive clemency has been granted and showing the reasons therefor are on file in the office of the Secretary of State. The parole law enacted by the last Legislature has been applied in cases of exceptional merit.

Our eleemosynary institutions have been well conducted and their efficiency has been greatly increased. Important additions have been made to each of them and their capacities enlarged. It is necessary, however, to make further provision for the accommodation of insane negroes, that now afforded being inadequate. This deserves, and I have no doubt will receive, the consideration of the Legislature. Our insane asylums are able to take care of all white persons entitled to admission, and there is no longer occasion for their confinement in any unsuitable place. The treatment of these unfortunates and the alleviation of their afflictions have engaged the faithful attention and devoted watchcare of those under whose charge they have been placed.

It will be necessary to still further increase the facilities and provide additional cottages at the Epileptic Colony, which has been unable for lack of room to receive numerous applicants who have sought the benefits and blessings for which it was founded.

The Pasteur Institute at the State Lunatic Asylum has proven to be a great success, and the good results that have come through its agency fully justify its erection. Out of more than three hundred patients treated in the two years of its operation, only two developed hydrophobia. This fact is sufficient to attest its merits and to show that no greater benefaction, in proportion to the number receiving its advantages, has been conferred by the State.

The schools for the Blind, the Deaf and Dumb, both white and colored, and the Orphan Home are in good condition

and have been managed with great skill and economy. They have all shown steady improvement and are accomplishing in a most gratifying degree the purposes for which they were designed. The Superintendents and Boards of Managers of all our charitable establishments have bestowed their loyal efforts and exerted their best energies to the upbuilding and enlarged usefulness. As their reports have been received, public mention through the press has been made in which much specific information has been furnished. A repetition or complete digest of all that is contained in these reports, together with the respective recommendations therein made, would extend this communication to great length, and is considered unnecessary for the reason that reliable statements covering all the details have been prepared and published and are now accessible for the examination and use of the Legislature. The morale, modes of action and harmonious working of each and all of these institutions are deemed worthy of commendation and entitled to popular approval.

For the Confederate Home and Confederate pensions there was appropriated by the Twenty-ninth Legislature for the two fiscal years ending August 31, 1907, the sum of \$1,054,538, the increase for pensions over that allowed for the two preceding years being \$400,000. About one-seventh of the public revenue was thus applied for the benefit of our Confederate veterans. They have received the considerate care of the State, and for the comfort of those at the Home and the help of those eligible to pensions, liberal provision has been made. The Home is under the supervision of ex-Confederate soldiers who are interested in the welfare of the inmates. Occasional complaints have been heard and some friction has occurred. This is not surprising in view of the impossibility of fully gratifying the individual wishes, tastes and temperaments of so many aged men as are now enjoying the privileges of the Home. Investigations have been made by persons and committees designated by Confederate organizations and their reports have sustained the action of those in charge and shown that the Home is well managed. Its appointments and conveniences have been much improved and enlarged, and it has been rendered as attractive and desirable as could be reasonably expected. A very earnest movement has been made and is now being urged by Confederate organizations, and especially by the United Daughters of the Confederacy, looking to the establishment of a Home for the

wives and widows of ex-Confederate soldiers and sailors, and a bill having this object in view and making an appropriation therefor was passed by the Twenty-ninth Legislature at its regular session. It was vetoed by the Governor, because he believed it to be unconstitutional. He did not submit the matter of a constitutional amendment authorizing such legislation at the following special session, for the reason that amendments to the Constitution are to be proposed at biennial sessions as provided in that instrument. Convinced as I am that public money can not be granted for the purpose indicated, unless authorized by our organic law, I respectfully suggest the propriety of submitting a constitutional amendment conferring upon the Legislature the necessary power to take the proper action.

The law creating the office of State Purchasing Agent has been in force for eight years. From an economical standpoint its usefulness has been demonstrated, and the methods of purchasing supplies for the different institutions have resulted in a large saving of money to the State. The opposition to this agency is, in the main, local, and chiefly confined to the towns and cities where eleemosynary institutions have been established. It has been conducted on business principles and in accordance with the law of its creation. Its work has been so systematized as to obtain the best possible results. The institutions with which it has had to deal have become accustomed to its modes of purchase and have given to it that co-operation which has materially aided in producing its present state of efficiency. I am convinced that it is a great improvement over the former usages, and that its continuance is desirable.

The work of our Department of Public Health will, I feel sure, receive the hearty recommendation of the people. It has been exceedingly useful and efficient. To it we are indebted for having escaped the yellow fever which elsewhere prevailed so seriously. This was accomplished at relatively small cost. We were at an expense of less than \$30,000 for maintaining quarantine in 1905 on the borders of Louisiana, Arkansas and the Indian Territory. For the two years ending August 1, 1906, it cost the State \$45,372.41 to maintain its public health service. This is less than was required in previous years. In consequence of the increased receipts at various quarantine stations, being more than twice what they were four years ago, and brought about largely on account of modified quarantine regulations at Gulf ports, this

Department will hereafter, it is confidently believed, be self-sustaining, and under the existing system, after the close of the present fiscal year its conduct will require no appropriations beyond its receipts, which it is estimated will equal the entire expense of the administration.

A few years ago three-fourths of the counties of Texas were more or less infected with smallpox. Only a few places in the State are now so infected, and the disease is rapidly decreasing. The general health conditions of the State were never better than they now are. The local health authorities and medical profession throughout the State are working in concert with the Department and sustaining with it the most cordial relations. The same may be said as to the health authorities of the United States, the Gulf States and Mexico. Your attention is invited to the recent Act of Congress, directing the Secretary of the Treasury to take charge of the quarantine service at the Gulf ports and along the Mexican border. If you shall consider it desirable for Texas to relinquish the control of maritime and border quarantine, and transfer its stations to the Federal government, and shall so declare, then the entire reorganization of the State Department of Public Health will become necessary.

One of the most important Departments of the State government is that of Agriculture, Insurance, Statistics and History. It has grown to great proportions and is steadily expanding, not only in the volume of business transacted and valuable information acquired and disseminated through its channels, but also in the large amount of revenue that it brings into the Treasury. Valuable publications relating to the agricultural resources and development of the State were made and distributed for the years 1904-05. It has been impossible to supply the demand for these documents which has come from our own people and also from foreign countries. We are unable to compute the beneficial influence they have exerted in advertising our wonderful advantages and inducing desirable homeseekers to visit our State and settle among us. It is regrettable that no appropriation was made for printing the agricultural report of the Department for 1906 and hence none was issued.

A large amount of insurance business has been done by fire and life companies in Texas. For the year 1905-06 there were premium receipts to the extent of \$19,673,418.20 and total losses of \$8,579,990.68. It has been the vigilant care of the Department to see that only solvent companies should be permitted to do

business in the State, and to this end special investigation has been made. The Commissioner has kept in touch with insurance matters and made himself as familiar with their situation and conditions as it was possible for him to do, considering our remoteness from insurance centers. He has sought by official correspondence and through personal visits and inquiry to possess himself of such necessary information as would enable him to prevent imposition upon those desiring insurance, and to interdict any but reliable companies from carrying on business, as well as to render any assistance in his power towards the protection of all who had previously become policy holders. The suggestions contained in his report are considered wise and his recommendations as to needed legislation are believed to be in keeping with the spirit of progress and the welfare of insurers and insured. In view of the exposure of mismanagement and wrongdoing, which have been perpetrated by certain insurance companies, we can not be too careful in so legislating as to afford every safeguard for the honest conduct of the insurance business.

By the act authorizing the creation and providing for the regulation of banks and banking corporations, approved May 26, 1905, to the duties of the Commissioner of this department was added that of Superintendent of Banking, and through him the law has been put into execution. On December 1, 1906, there had been organized 149 State banks, the combined capital of which amounted to \$5,445,500. The new law seems to be working satisfactorily, and from the reports of the banks and the investigations of the Examiner, it is believed that conservatism prevails in these new financial institutions and that with the supervision required in connection with their management and the protection afforded the public, they will prove safe and acceptable as additional banking facilities.

The State Library has received careful attention and every effort has been made to augment its usefulness. Many valuable books and pamphlets have been purchased. Historical manuscripts and important papers have been collected, classified and indexed. Numerous records in Mexican archives which relate to Texas have been copied. To systematically arrange and preserve for the use and convenience of the historian and student all accessible records and documents has engaged thoughtful consideration and faithful endeavor. The energetic prosecution of this worthy work will ere

long furnish our State a desirable and comprehensive library.

The receipts from this department for the year ending August 31, 1906, amounted to \$329,992.88, while the sum of expenses, including Library and Banking divisions (except Examiner's salary) was \$16,019.27. Since then, and up to December 1st, there have been additional receipts to the extent of \$592.25.

The Superintendent of Public Buildings and Grounds has done much to improve and beautify the capitol grounds. Trees have been planted, walks laid out and graveled, driveways kept in good condition, fountains constructed and other useful additions made to increase their conveniences and attractions. The external work speaks for itself and is the subject of general favorable comment. The interior of the capitol building has not been neglected. Revarnishing and repainting wherever necessary have been done, and suitable attention has been given to the entire building. This great structure and its surroundings receive the admiration of all beholders. Due care has been bestowed upon the State cemetery and in the preservation and protection of the last resting places of the statesmen and heroes whose graves it contains. A magnificent statue and monument in memory of General Albert Sydney Johnston is a recent notable contribution to its sacred grounds.

No division of the public service has been more efficiently conducted than that of the Department of State. Its business, which has continuously magnified, has been carefully and systematically managed. Prompt attention has been given to the many and varied calls, which daily press upon and are embraced within its sphere of action. Its administration requires sound judgment, particularity in procedure, correctness in certifications, accuracy in official information imparted, precision in records and reliability in the keeping and preservation of important archives. Through its channels a large amount of revenue is derived. This has currently grown. There were organized, as shown by the report of the Secretary, 2534 domestic corporations during the fiscal years beginning September 1, 1904, and ending August 31, 1906, and 127 permits were granted to foreign corporations, making an increase of 608 domestic charters and 7 permits over the number formed and issued during the two previous years. While many corporations were relieved from the payment of further franchise tax by the Acts of 1905, the larger volume of business done has caused the receipts of this department to increase

from \$441,169.88 for the two fiscal years ending August 31, 1904, to \$603,566.75 for the two years ending August 31, 1906, a net increase of \$162,396.87.

The laws of 1905 providing for the sale and lease of school lands and relating to the sale of mineral lands made material changes regarding the matter of their disposition and have proven quite beneficial. There were sold during the year ending August 31, 1905, of surveyed school land, 861,290.02 acres, and for the year ending August 31, 1906, 4,819,659, the proceeds of which amounted, respectively, to \$1,374,475.85 and \$8,385,296.89. Under the increased appraisement of these surveyed lands there was a gain in value of \$4,005,962.89 over that of former appraisement. At the end of the last fiscal year there remained unsold, approximately, 13,000,000 acres of school lands, 9,461,581 acres of which are situated in the seven counties west of the Pecos river and that portion of Val Verde county in the same locality. Legislation concerning the sale of mineral lands have been repeatedly recommended, found expression in the Act approved April 15, 1905, and as a consequence, during the first year after its passage, there were sold 1729.24 acres for \$22,431 as compared with 1360 acres for \$13,600 during the preceding year. The law has served in a great measure to prevent the acquisition of these lands for less than something like their reasonable value, as well as to prohibit the taking of minerals therefrom without compensation to the school fund. What is commonly understood as the public domain is now limited to what may be embraced in islands, lakes and bays within tide-water limits of the Gulf coast, and for the disposition of which no provision is made. The attention of the Legislature is invited to the interesting report of the Commissioner of the General Land Office and the important suggestions therein contained.

The Railroad Commission has been an established agency of our State government for many years. The necessity for its existence and the public utility it subserves have been so demonstrated as to convince all candid minds that it is indispensable, not only for the protection of the rights of the people, but also of the railroad corporations. Its proper administration renders any abuse, unjust discrimination and extortion, within the scope of its jurisdiction, practically impossible. It is independent of and able to thwart any hostile corporate compassings. It has done and is still doing a great and useful work, and any withdrawal or impairment of its appropriate

authority would be a detriment to the State. Its last two annual reports show a gradual and considerable reduction of freight rates on nearly all classes and commodities transported by railroad and express companies between points in the State. This is notably the case with reference to rates on cotton, lumber, grain, and refrigeration charges on car-load shipments of fruit and vegetables. It has extended common point territory to Laredo, Amarillo and other places, thereby making still further reductions on freight rates. During the last four years the railroad mileage of the State has been increased over 1600 miles, making an average of more than 400 miles per year. This does not include the yard and siding mileage at depots. There is quite an additional mileage now projected and chartered for construction by the railroad companies. It will not be long before these great arteries of commerce will be extended to the remotest bounds of our Commonwealth and penetrate every region whose resources invite their construction. There is perhaps no more reliable index of the progress that has prevailed and the prosperity with which we have been blessed than the activity displayed in railroad enterprise.

Under the supervision of the Railroad Commission and by virtue of the Stock and Bond Law there has been, since June 30, 1894, when the stock and bonds against the Texas roads averaged \$40,802 per mile, a reduction of \$9272, an average annually of \$772.66. The gross earnings of the railroads in Texas for the year ending June 30, 1906, amounted to \$75,510,388.38, an increase over that of the preceding year of \$7,365,256.28, while the operating expenses also increased for the same period to the extent of \$4,502,922.35. This and other pertinent data will be found in the report of the Commission, the careful examination of which is suggested.

The prohibition of the issuance of free passes by the railway companies has long agitated the public mind and has repeatedly received the approval of our political conventions. It has been brought to the notice and commended to the consideration of previous Legislatures. It should and doubtless will receive attention at this session. In this connection information as to the extent to which such transportation has been issued will be found in tables Nos. 32 of the fourteenth and 31 of the fifteenth annual reports of the Commission. These tables show the percentage of each class of persons described to whom passes were issued, and that for public

officials it was less for each year than 1 per cent of the entire travel. It would be better for the people and allay their discontent, as well as for the railway corporations and increase their profits, if the practice of granting such transportation should be properly restricted. It would, perhaps, tend to keep public officials more regularly at their respective posts of duty and restrain absenteeism, if they were required to pay their fares as others have to do. It would do away with special favors and discrimination and place the traveling public upon a plane of equality. It might justify and eventuate in a reduction of passenger fares.

The Twenty-eighth and Twenty-ninth Legislatures passed several bills authorizing the purchase and operation by certain railroad companies of other lines of railway, commonly called consolidation bills. I deem it proper to say that each of these bills after reaching the Executive was by him critically scrutinized and considered, and that the legal advice of the Attorney General was invoked. In no case was any of them permitted to become a law until I became satisfied that it was not subject to any constitutional objection and that its final enactment would not violate or disturb sound public policy or infringe the rights of the people. The practical beneficial results have confirmed the conviction entertained when these measures were approved. There was comparatively little opposition to any of them except to that which authorized the Galveston, Harrisburg & San Antonio Railway Company to purchase, own and operate certain railroads and properties situated principally in Southwest Texas. The railroads whose purchase was thus authorized were being operated as a single line and were largely owned and controlled by the same persons to whom the Galveston, Harrisburg & San Antonio Railway Company belonged. The convenience of transportation, reduction of operating expenses, extension of line to the town of Cuero, erection of passenger depots at Port Lavaca and Cuero, as well as the advantages and facilities to be afforded the people of the region interested, and the promotion of that development and commercial accommodation which attend the construction of railroads, were important considerations which brought about the passage and approval of this bill. That the people immediately affected by its provisions are generally satisfied and benefited by its enactment has been demonstrated, nor need any apprehension be indulged that with the supervision of the Railroad Commission,

any detriment will come to them or the State.

The Live Stock Sanitary Commission has been vigilant and faithful in the discharge of its duties. Its regulations have been adopted and executed with a view to protect and upbuild the animal industry of the State, and as they have become better understood, there has been less difficulty in their enforcement. The Commissioners have done all within their power to eradicate the causes of disease, and in this effort have been aided by the raisers and owners of live stock. They have promoted the admission of Texas cattle from the region west of the quarantine line to the Northern, Middle and Eastern States. They have promptly responded to all calls for investigation of contagious diseases and adopted such measures as were considered advisable to control the same. In co-operation with the National Department of Agriculture, in matters of quarantine and efforts for the protection of the great cattle industry and other live stock interests of our State, this Commission is of material advantage, has done good work, and is entitled to all appropriate assistance that may be needed to enlarge and facilitate its further usefulness. I commend its suggestions to the Legislature.

Amendments to the laws governing the fish and oyster industry, and designed to extend its advantages and safeguard the public interests, as well as to protect private rights, were passed by the last Legislature, and are now in full effect. These were necessary for the further conservation of this important industry. This legislation was assailed in the courts and vigorously resisted. The State prevailed in the contention and the law has been sustained. That Texas may be made a great fish and oyster-producing State can not be questioned in view of what has already been accomplished along this line. Substantial progress has attended the earnest labors of the Commissioner during the last four years, and the information and recommendations contained in his report are worthy of being carefully considered.

I invite attention to the annual reports of the Comptroller and Treasurer, from which it will be seen that the business of the State transacted through their offices is of great volume and constantly increasing importance. That these officers have discharged the very responsible duties devolving upon them faithfully and efficiently, and have been inspired with a due sense of fidelity to the large interests of the State committed to their charge, I cheerfully bear testimony. They have scrupulously ob-

served the requirements of the law, and whatever may be said as to any needed correction of the system under which they have acted, or any economy that may be subserved by its readjustment, they have been guided and controlled by the statutory regulations in force.

The Texas National Guard is now composed of about 2400 officers and enlisted men. In organization, equipment and discipline it is superior to what it has ever been, although less in numbers, owing to the mustering out of several companies. It is made up of worthy officers and men who take an interest in military affairs and have a proper appreciation of the duties and obligations of citizen-soldiery. They have promptly responded to the different calls that have been made for their service, and in every case they have conducted themselves as become officers and men in assisting the civil authorities to preserve law and order and suppress violence. Through their presence and timely aid in some cases mobs have been restrained and lynchings avoided. It is to be regretted that the necessity has arisen on several occasions to summon them in assisting local constabulary to uphold the laws of the State. In no case has this been done unless under circumstances where it appeared to be imperatively demanded. Where sufficient notice of threatened tumult, violence and defiance of the law has been given, it has been made possible through them to quell disorder, maintain peace and contribute to the execution of the laws. In this connection it seems appropriate to say that by official act and public utterance the utmost efforts have been made through the Commander-in-Chief and the excellent Adjutant General to prevent mobs and discourage the spirit that instigates their excesses. I have sought by precept, through the authority of the Constitution and under the obligation resting upon the Executive, to impress upon the public mind that no man nor set of men, no matter how excellent their previous character, or however impelled by the spirit of revenge, can forcibly wrest from the legal custody of the sheriff a prisoner accused of crime and take his life without themselves being guilty of an awful crime. We must maintain our civilization, but we can not do so by substituting the mob for the court or allowing any men or number of men to trample upon the law. It is obligatory upon the Governor to cause the laws to be faithful executed. He can only act through the instrumentalities the law and the Constitution have provided. It is indeed an alarming condition of things if a

courageous sheriff, with all the power at his command, can not defend the lives of those persons whom the law places in his charge, however heinous their offenses may be. There ought to be some means whereby a timid or inefficient peace officer, failing to discharge his duty, may be removed from office and a resolute and capable man appointed in his stead. It grieves me to say that there have been some lynchings perpetrated within this State. In such cases no information was received by the Governor in advance of their occurrence to enable him to take the necessary precautions for their prevention. It is also a lamentable fact that in some instances lives have been taken by mobs where there was no pretense that the crimes committed were of that unspeakable and horrible nature which usually brings about a defiance of law and disregard of judicial ascertainment of guilt. If the mob can be allowed to inflict the death penalty for one character of crime, it will not hesitate to wreak vengeance for others when it deems the provocation sufficient. If it can decide who shall be hanged without judicial imposition of sentence, it is not a very long step from such an extreme to assume the power to conclude who shall not be hanged in obedience to the mandate of the courts. I shall welcome any legislation your wisdom may devise that will assist the Governor in the discharge of his constitutional duty, to the end that the law and its vindication may be supreme.

The Ranger force consists of twenty-three officers and men. They have been very active and faithful in discharging their duties and have been frequently in demand. They are always ready when needed, and obedient to instructions. They are a useful auxiliary force, and in localities where critical situations have existed and lawlessness was of such a nature as to require their presence and co-operation with the civil authorities, they have accomplished much good. They are known to be determined men and are much dreaded by the criminal classes. It might be well to make provision for an increase in the number of Rangers. It has been impossible to comply with all the requests that have been made for their services. It should not be forgotten, however, that by maintaining them for emergent occasions, the State does not propose to usurp the functions of local self-government, to assume responsibility of, or encourage reliance upon them by those officers whose duty it is primarily to preserve the peace and dignity of their respective communities. Invoking the aid of the military

or Ranger forces should be the last resort, and is not warranted except in cases of extremity and where situations of such serious nature arise as to make it impossible for the proper local authorities to perform their appropriate duties. It is incumbent on the people, under all circumstances, to sustain every exercise of lawful authority upon the part of their officers, and it is a dangerous sentiment that would prompt them to attempt or encourage violence upon a peace officer chosen by them and acting in the conscientious discharge of his official duty. Good citizenship can not afford to surrender the sovereignty of the county or permit its officers to be intimidated and subdued by those who have not the fear of the law before their eyes. The Adjutant General has rendered valuable aid to the Governor in the enforcement of the law, and met the responsibilities and obligations of his office with credit to himself and benefit to the State. The recommendations to be found in his report are worthy of consideration.

An extraordinary amount of work and great responsibility have devolved upon the Attorney General. The routine business of his office has been unusually large. The official correspondence, the investigation and approval of bonds, railroad and insurance charters and refund claims, as well as the preparation of opinions and giving advice to the heads of departments and other officers throughout the State, have occupied much of the time of himself and associates and required elaborate research at their hands. In addition to their regular office work, they have represented the State in a great number of suits. The litigation involving important public interests has perhaps been greater for the last four years than ever before during the same length of time. Within the last two years there have been pending more than two hundred cases in the State and Federal courts. The matters in controversy have covered a wide range, embracing suits relating to lands, leases, elections, railroad rates, violations of anti-trust laws, public revenues of various kinds and other miscellaneous subjects. In nearly all of the cases that have been finally decided the contention of the State has been sustained. The Fish and Oyster Law, as before stated, has been upheld by the courts. The law levying a tax upon certain individuals, firms, corporations, etc., has been sustained by the District Court and the Court of Civil Appeals. The law providing for taxing intangible assets has also been sustained in the

Court of Civil Appeals. The law levying a tax upon railroad corporations, measured by their gross receipts, was upheld by the Supreme Court, but is understood that an appeal will be taken from this judgment to the Supreme Court of the United States. These tax laws passed by the last Legislature have been resisted on Constitutional and other grounds, and the litigation arising therefrom has demanded and received the careful attention of the Attorney General and his able assistants. No department of the Government involves more work, harder service and greater responsibility than that of the Attorney General's office. It has been prompt to furnish legal advice to the Governor on all occasions, and has been of invaluable assistance to him in the proper determination of many important problems that have confronted him where reliable counsel was needed. During the last two years there have been received and collected through this office from different sources \$34,199.10. At the instance of the Attorney General, I suggest the necessity of authorizing the printing of the volumes of the reports of the appellate courts, of which manuscript copies are now ready and in the hands of the reporters, and making the necessary appropriation for such purpose; also authorizing the making of the necessary contracts for the printing and publication of other and subsequent reports as is required by law.

In closing the quadrennium of my service as Governor, it gives me pleasure and patriotic pride that so much of prosperity and popular contentment have prevailed. The material progress, industrial development and general improvement that have marked these four years have never been excelled, nor do I think equalled, in any previous like period of the history of the State. Our taxable values have been greatly augmented. Lands have appreciated. Labor has been rewarded. Rural communities have thriven. Agriculture and horticulture have flourished and made constant advancement in abundance and diversification of crops. Our farmers, as a rule, are comfortable and independent. Our live stock industries have prospered. Manufactures have multiplied. Mining has been stimulated. Resources hitherto latent have been exploited and utilized. Towns have been built. Cities have grown larger. Capital has found profitable investment. Railroads have been constructed and extended. Commerce has expanded. Thrifty immigrants have settled among us and established permanent homes. Population has largely increased. Six new counties have been

organized. The State is exceedingly prosperous and progressing satisfactorily along all useful lines. The present is encouraging and the future is bright with promise. I congratulate the Legislature that it assembles under such favorable circumstances. To have been honored by my people and permitted to be officially associated with these conditions and the growth and expansion of our mighty Commonwealth will ever be cherished with grateful recollection. That the State may go on prospering and to prosper, growing and to grow, blessing and to bless its people in all that may add to their well-being and felicity, and that the incoming and each succeeding administration may improve upon the work of its predecessor, is my earnest prayer. I shall retire from the great office, twice bestowed upon me by a generous constituency, with a supreme desire for the continued welfare of Texas and to its upbuilding my patriotic ambition shall be directed as long as life endures.

I lament the death of many worthy men who have been associated with me in the public service. They did their duty and "their works do follow them." To those, living and dead, who are now and have been officially connected with my administration, I am indebted for whatever of success has been accomplished in conducting the affairs of the State, and I acknowledge with gratitude my profound obligation to each and all of them.

I herewith submit a statement of public moneys paid from funds subject to the order of the Governor, the vouchers for which are on file in the Comptroller's office, and upon which warrants have been issued.

S. W. T. LANHAM,
Governor.

Austin, Texas, January 7, 1907.

Governor S. W. T. Lanham, Austin, Texas.

Dear Sir: Complying with your request, I hereby furnish you the following statement of public moneys paid from funds subject to your order, from January 8, 1905, to January 7, 1907, inclusive, for which the vouchers are on file in the Comptroller's office:

For payments of rewards for enforcing the law, etc., \$6331.75.

For books and stationery, Executive office, \$240.31.

For freight, postage, express, etc., \$699.27.

For ice, \$68.75.

For office furniture, \$111.75.

For contingent expenses, \$116.85.

For furniture and repairs, Governor's mansion, \$2754.45.

For fuel and lights, \$589.51.

For labor in keeping up Mansion and grounds, \$1482.25.

For water and ice, \$350.70.

Very truly yours,

J. W. STEPHENS,
Comptroller.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 11, 1907.

Senate met pursuant to adjournment,
Lieutenant Governor Neal presiding.

Quorum present, the following Senators answering to their names:

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Looney.

Absent.

Harbison.

Prayer by the Chaplain, as follows:

Almighty God, our Heavenly Father, we, Thy humble servants, come before Thee at the opening of this day's duties and pray for the presence of Thy Holy spirit to guide us in the way of righteousness in all the labors of the day. May Thy glory be our constant care, and we be watchful as men who seek to do right in all things. Bless us with strength of body and mind that all of our labors may be begun, continued and ended for Thy glory and the good of our great Commonwealth. Absolve us from all of our sins, and save us through Jesus Christ, our Lord. Amen.

Pending reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senators Meachum and Stokes:

Senate bill No. 29, A bill to be entitled "An Act to amend Article 3698, Chapter

6, of Title LXXIX, Revised Civil Statutes of 1895, and to fix the minimum salaries of the under officers and employes of the State Penitentiary of Texas."

Read first time and referred to Committee on Penitentiaries.

By Senator Paulus:

Senate bill No. 30, A bill to be entitled "An Act to protect the lives and property of the traveling public, and the employes of the railroads in the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

By Senator Green:

Senate bill No. 31, A bill to be entitled "An Act to require that sureties on liquor dealer's bonds by affidavit to state their sufficiency and preventing the approval of any such bond unless the sureties so qualify, and to provide adequate punishment and penalty for any violation of this act."

Read first time and referred to Judiciary Committee No. 2.

By Senator Chambers:

Senate bill No. 32, A bill to be entitled "An Act to provide a mode of assessing and keeping separate taxes paid for public free school purposes by the white and the negroes, and to apply the amount paid by the white for the benefit of the white schools, and the amounts paid by the negroes for the benefit of the negro schools."

Read first time and referred to Committee on Education.

By Senators Griggs and Masterson:

Senate bill No. 33, A bill to be entitled "An Act to consider the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to regulate the manner thereof; providing for the making this law cumulative of the General Laws of the State of Texas, and providing an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Brachfield:

Senate bill No. 34, A bill to be entitled "An Act to amend Article 3379 of the Revised Civil Statutes of the State of Texas, 1895."

Read first time and referred to Judiciary Committee No. 1.